PETITION FOR WRIT OF CERTIORARI

Supreme Court, U.S.
FILED

No_____ 10-393 AUG 3- 2010

OFFICE OF THE CLERK

In The Supreme Court of the United States

Daniel R. Baird

Petitioner:

V.

Burlington Northern Santa Fe Railroad
&
Brotherhood of Engineers And Teamsters

On Petition for a Writ of Certiorari To the United States District of Minnesota for the Eighth Circuit Civil No. 09-3787 Judge James M. Rosenbuaum
&
United States District of Minnesota for the Eighth Circuit Civil No. 08-1654

PETITION FOR A WRIT OF CERTIORARI
Of Daniel R. Baird

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Revised Dated_____

Daniel Baird _____

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judgements for Review are multiple

United States District Court District of Minnesota
Case No. 08-cv-01654 dated 12/04/2008

United States District Court District of Minnesota
Case No. 08-cv-01654-JMR-RLE date 01/30/2009

United States District Court District of Minnesota
Cases No. 08-cv-01654-(JMR-RLE) filed 02/24/2009

United States District Court district of Minnesota
case No 08-cv-01654 September 10,2009 Proposed
order not dated

United States District Court district of Minnesota
Case No. 08-cv-1654-(JMR-RLE) File 11/06/09

United States Court of Appeals For Eight circuit
Case No. 09-3787 date 06/21/10

Minnesota Department of Human Right
Date June 12,2008 Ref: 51301 and 51312

U.S. Equal Employment opportunity Commission
Charge No. 444-2008-00547 and444-2008-00632

United States District Court District of Minnesota
Case No Civ No. 05-731(Dwf/RLe) Minute Order Dated
August 8, 2005

QUESTIONS PRESENTED FOR REVIEW

1. EEOC 42U.S.C. 2000e-5(b).29U.S.C.211,29 U.S.C. 626,42U.S,C.12117 The Right to Jury Trial be diverted by Petitioner. The Corporate disclosure statement be denied. By courts. On Pro Sec

2. Whether the United States Court of Appeals for the Eight Circuit, United States District Court of Minnesota, National Railroad Board Adjustment First Division And Public Law Boards Arbitrarily change facts and did not fallow guide lines of the Railroad Labor Act and single out an Employee for Enforcement of time limits they prolonged an agreements in which covered the employee For whistle blowing.

3. The preparation for trail not be full field by petitioner. For Eight Months plus. Than file Improper summons in District Court

4 Corporate Disclosure requested and Denied by court.

5. Mandate order by Appeals judges when trial by jury has already been granted in case 08-1654 . Pro Sec. Jury trial has been ordered and Defendants with no Defense or Corporate disclosure Mandate order to find behind appeals court with out serving summons. In case 09-3787 violating same rule.

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USDC Pretrial Notice and Order 08-1654.....2a
Dated 01/30/2009
USDC Pretrial Order 01-1654.....8a
Dated 02/24/2009
USCA PRE CURIAM (No. 09-3787)
Dated Submitted June 4.2010 filed June 21, 2010...11a
USCA Judgement No. 09-3787 on USDC 08-1654
Dated June 21, 2010.....10a

JURISDICTION

The judgement of pre trail order to be fulfilled on case 0:08-c-01654-JMR-RLE Document 21 filed 02/24/2009 page1 of 5. And changed to jury trial by moot. Violating same rules for in QUESTION in Case 09-3787 not served proper summons.

Case Under file United District Court of Minnesota Pretrial Order

Civil Case No. 08-cv-01654

STATEMENT OF THE CASE

The common man and has the right to get settlement without going through unreasonable boards and cover ups. We the people have known this has been going on for the last decade. To make this statement that after following the system. (the people will be held to guide line) not followed by the respondents is (un)reasonable. The respondent didn't follow pre trial schedule and cooperate refused to come forth with personal names for defense. I assume this is cooperate disclosure.

This even violates cooperate ethics.

Appellant is currently an engineer on the Burlington Northern Santa Fe RR. And under the schedule rules. Mr. Baird is covered under the bargaining agreements and would not have been in Grand Forks if schedule rules would have been followed.

At this point the respondents have refused all and every rule, Schedule, or Agreement to Mr. Baird. With any refusal Mr. Baird would have been terminated for

insubordination.

The point they know say we have to follow rules.When such agreement is breeched the proceedings should be filed under the railroad labor Act to up hold such agreement not change agreements. They are not to change agreement and
are to penalize cooperate of such breeches.

The facts that at this time BNSF are know starting to follow the same agreement denied Mr.
Baird is testimony to the facts. They have settled with employees.They have stated Mr. Baird should be held to stricter guide line they them self have not followed.

STATUTORY AND REGULATORY PROVISION INVOLVED

EEOC 42U.S.C.2000e-5(b).29U.S.C.211,29U.S.C. 626,42U.S.C.12117

Concise Statement

THE RIGHT TO JURY TRIAL

CONCLUSION

THE RIGHT TO JURY TRIAL

APPENDIX

United States District Court
District Of Minnesota
08-cv-1654(JMR/RLE)

Daniel Ralph Baird Plaintiff
V

Order

Burlinton Northern Santa Fe
and Brotherhood of Locomotive Defendants
Engineers Teamster Division 202

This Matter is before the court on defendant's motion to dismiss the Complaint and for summary Judgment.

Based on the files,Records, and proceedings

Hearing and for the reasons Stated at the hearing o

on November 6, 2009, It is Ordered that the motion

[Docket Nos. 37, 42] are granted. The Complaint is

Dismissed with prejudice.

Let Judgment Be Entered Accordingly,

Dated: November 6, 2009

S/ James M Rosenbaum
James M. Rosenbaum
United States District Judge

United States District Court
District Of Minnesota

Daniel Ralph Baird Plaintiff

vs PRETRIAL NOTICE AND ORDER

Burlington Northern Santa Fe
et al,

Defendants

Civil No. 08-1651(JMR/RLE)
****

In accordance with the provisions of Rules 16 and 26 of the Federal Rules of Civil Procedures, in conformity with the Civil Justice Reform Act Implementation Plan for the District of Minnesota, which was adopted by Order August 23,1993, and pursuant to the Electronic Case Filing Procedures for the District of Minnesota/Civil authorized by Order dated May, 2004 a Pretrial Conference in this Matter is set for 10:00 am, on Tuesday, February 24
2009 Before United States Chief Magistrate Judge Raymond L. Erickson , Cambers, Room No. 412, Gerald W. Heaney Federal Building and United States Courthouse, 515 West First Street,Duluth Minnesota It is

Ordered

1. Unless otherwise directed counsel for the parties shall conference no later than fourteen (14) days

prior to the date of the Pretrial Conference for the

purpose of:

This pretrial Conference may be conducted by telephone. The parties are to contact the undersigned's Judicial Assistant Victoria L. Miller, at 218-529-3520 to make the necessary arrangement.

---

a. Preparing a agenda of matters to be discussed at the Pretrial Conference
a Preparing a joint proposed Pretrial Schedule for the case that shall include a plan for discovery setting forth specific parameters for anticipated discovery , including the number of depositions the volume of documents expected to be produced, the volume of written discovery, and the extent of expert discovery.
c Preparing a joint plan to control excessive litigation cost and delays. Such a plan shall include such matters as focusing the initial discovery on preliminary issues that might be case dispositive, instituting document control and retrieval mechanisms to contain costs, stipulating to facts to eliminate unnecessary discovery,adopting procedures for orderly discovery, and scheduling alternating periods for part discovery and any other matters counsel may agree upon to control excessive cost and delays.
d Considering whether of not they will consent to trial by Magistrate Judge if consent is given, specify date certain trail setting [Date is subject to conference by the Magistrate Judge Calender

Clerk].
e Preparing a schedule to submit to the Magistrate judge for the pretrial conference which sets forth time periods for facts discovery, for joinder of parties

and for expert discovery; cut-off dates for both nondispositive Motions and a trial readiness date. Counsels attentions is drawn to the attached Pretrial Order. The Proposed Pretrial Order shall be submitted to chief Magistrate Judge Raymond L Erickson at E-mail address;
(Raymonderickson_ chambers@mnd.uscourt.gov
2. After counsel have met and conferred on the matters set forth above, they will submit a joint statement setting forth each of the matters agreed upon a least [tree (3) business days prior to the pretrial conference. To the extent that counsel have not agreed upon any of the items set forth in paragraph 1 above, then each party shall submit its own proposal for each item for review by the Magistrate Judge.
3. In addition to the foregoing, t least three (3) business days prior to the pretrial conference, the defendants shall advise the plaintiffs of any applicable insurance coverage and the limits of the same, and if the plaintiff has placed a medical condition, physical of mental into controversy,then the plaintiff shall provide a listing of all pertinent treating physicians, if any,and duly executed medical Authorizations. See O'Sullivan v State of Minnesota, 176F.R.D. 325(D Minn. 1997). Each party shall also submit, by no later than three
(3) business days prior th the pretrial conference.
a concise statement of the party's version of the facts of the case; a listing of particularized facts which support the claimed liability or defenses, including any applicable statutes as identified by number; and an itemization and explanation of any claimed damages. This Statement of the case is to be filed pursuant to the electronic Case filing procedures of the District of Minnesota and served on opposing counsel .
4. In addition, subjects contemplated by rule 16©, Federal

rules of civil Procedure, will be discussed. Without limiting the generality of the foregoing, in advance of the pretrial conference the parties should consider 10 limitations and restrictions on expert testimony; 2 the appropriateness and timing of Summary Judgment; 3) The control and scheduling of discovery; 4) Resort to alternative dispute resolution techniques; 5;Reasonable limit on the time allowed for presenting evidence at trial; and 6) counsel are expressly directed to seriously discuss settlement at the time of the "meet and confer" the result of that discussion shall be reported to the court at the time of the initial pretrial conference. 5) Following the pretrial conference, an order establishing a schedule for all pretrial proceeding and such other matters as contemplated by rule 16 shall be entered. 6) this Pretrial Conference, will not be continued pursuant to and agreement of counsel or by informal application. A continuance will be granted only for food cause shown upon formal motion served and filed in accordance with the rules of civil procedure and the local rules The right to act upon such a
Motion EX PARTE if circumstance 7) Counsel attention is specifically drawn to the provisions of Rule 16(f) Federal Rules of civil Procedure. 8) counsel is further advised that the undersigned has an informal procedure as needed the following prerequisites are required.

a Meet and Confer Counsel are required to meet ad confer regarding the dispute If the "meet and confer" is not possible, then the formal Motion practice is to be used

b Agreement all parties must agree to the informal process unless an exigency is presented which requires urgent relief.

c JOINT CONFERENCE A joint telephone conference is to be scheduled with victoria L. Miller
Judicial Assistant to Chief Magistrate Judge Raymond L. Erickson. All Counsel are requested to be on the telephone conference unless excused by the court. During this conference a heating date and time will be set along with deadlines for the parties, two-page (maximum) letter brief to the court, identifying the dispute and providing support, factual and legal for the dispute's resolution. The letter brief is to be filed with the Clerk's office pursuant to the electronic case filing procedures for the District of Minnesota The letter Brief shall have the following information

letter Brief for informal hearing on (insert date and time) before Chief Magistrate Judge Raymond L..
Erickson

Counsel are advised that the submission of the two-page letter brief and the hearing dated will be set in a very shorted tine frame.

Counsel are reminded that the informal Motion practice is only in lieu of the motion practice outlined in the electronic case filing procedures for the district of Minnesota/Civil when all parties agree or when an exigency exists. Parties may insist on formal motion practice absent an exigency.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Daniel Ralph Baird
Plaintiff

vs Pretrial Order

Burlington Northern Sant/fe
and Brotherhood Locomotive
Engineers Teamsters Division 202
Defendants
Civ No. 08-1654(JRM/RLE)
****

Pursuant to tretrial conference convened of February 24, 2009, and in accordance with provisions of rule 16 Federal rules of Civial Procedure,and the local Rules of this Court, to administer the course of this litigation in a matter which promotes the interest of justice, economy and judicial efficiency, the following Schedule will govern these proceedings. The Schedule may be modified only upon formal Motion and a showing of good cause as required by local Rule 16.3

Counsel should also comply with the electronic case filing procedures for the District of Minnesota, pursuant to Order adopting Electronic Case Filing, dated May 13,2004

therefore its is

GANTED

That all pre-discovery disclosures required by rule 26(a)(1) (1) shall be completed on of before May 1 2009 The period during which the parties may conduct discovery shall terminate on September 1 2009 Deputes with regard to pre-discovery disclosure shall terminate on immediately to the courts attention by the making of a appropriate Motion, and shall not be relied upon by any party as a justification for not adhering to this pretrial Schedule. No Further or additional discovery shall be permitted after the above date except by leave of the court for good cause shown ,and agreements between counsel which contravene the prevision of ths Schedule will not be recognized

. However, upon agreement of counsel or with leave of the Court depositions in lieu of in-Court testimony man be taken after the close of discovery.

II

That all Motions Which seek to amend the pleadings of add parties must be filed and the Hearing thereon completed on or before June 1, 2009

III

That all other nondispositive Motions shall be filed and the hearing thereon completed prior to October 1,2009 by calling Victoria L Miller Calender Clerk for Chief Magistrate Judge Raymond L.Erickson. All nondispositive Motions shall be scheduled, filed and served in compliance with local Rule 7.1(a) and the Electronic case Filing Procedures for the District of Minnesota No Discovery Motion shall be heard unless the moving party files with the Notion the statement required by Local Rule 37.1 and complies with the requirement of Local Rule 37.2

IV

That no more than 30 Interrogatories (counted in accordance with Rule 33(a) Federal Rules of Civil

Procedure), shall be served by any party.

V

That no more than Four (4) Depositions (Excluding Expert Deposition) shall be taken by each party without prior Order of the Court

VI

That within the foregoing period allotted for discovery, but no later than the dates set forth below the parties shall retain and disclosed to opposing counsel all persons the intend to call as expert witnesses at trial Each party,s disclosure shall identify each expert and state the subject matter on which the expert is expected to

testify the disclosure shall be accompanied by a written report prepared and signed by the witness as required by Rule 269a)(2)(B), Federal Rules of civil procedure, the report shall contain:
a. The qualifications of the witness, including a list of all publications authored by th witness within the preceding 10 years
b. The compensations to be paid for the study and testimony;
c. A listing of any other cases in which the witness has testified as an expert at trial of by deposition within the preceding four years.
d. A complete statement of all opinions to be expressed and the basis and reasons therefor;
e. the data of other information considered by the witness informing the opinions ;and
f. any exhibits to be used as a summary of or support for the opinions.

The Plaintiff's disclosure shall be made on or before July1, 2009 The Defendants disclosures shall be made on or before August 1.2009

VII

That the parties do not contemplate taking expert depositions

IX

That all dispositive Motions Shall be briefed, served and filed on or before Novenber1,2009 all dispositive Motions shall be scheduled filed and served in compliance with local rule 7.1(b) and the Electronic cases Filing Procedures for the District of Minnesota Counsel should be advised as early as possible that the dispositive Motion must be briefed sufficiently early so that the Hearing date is Before the disopitive motion deadline. Counsel are given notice that six to eight weeks advance notice is necessary to place a dispositive Motion the

calendar Counsel at also forewarned that the dispositive Motion deadline date and the trial date will not be changed

That this case shall be ready for trial on January 1, 2010 or 30 days after the court renders its order on dispositive Motions (which ever is later at which time the case will be placed on the courts non Jury trial calander.

By the court

Dated February 24, 2009 Raymond L Erichson
Chief US Magistrate

United States Court of Appeals
For the Eight Curcuit

No 09-3787

Daniel R. Baird, Plaintiff-Appellant
v
Burlington Northern Santa Fe:
Brotherhood of Locomotive Engineers Teamsters
Division 202
Defendants-Appellees

Appeal fron U.S. District Court of
Minnesota-Minneapolis (0;08-cv-01654-JMR)

JUDGMENT

This appeal fron the United States District Court was submitted on the recorf of the distrit court and briefs. Of the Parties.

After consideration, it is hereby ordered and adjudged that the judment of the district court in this cause is affirmed in acccordance with the opinion of this Court

June 21, 2010

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eight Curcuit
/s/ Michael E Gans

United States Court of Appeals For The Eight Curcuit

No. 09-3787

Daniel R. Baird Appellant

v Appeal from the United States District Court For the District of Minnesota

Burlington Northern Santa Fe;
Brotherhood of Locomotive Engineers
Teamsters Division 202,
Appellèes,

[UNPUBLISHED]

Submitted: June 4, 2010

Filed June 21, 2010

Before WOLLMAN, COLLOTON, and GRUENDER, Circuit Judges

PER CURIAM

Daniel R. Baird appeals the district court's dismissal of his civil action. Upon de novo rewiew, See Meyer y City of Joplin, 281 F.3d 759,760 (per curiam) (8th Cir. 202), we conclude that dismissal was proper for the reasons the district court stated, Accordingly, we affirm. See 8th Cir. R. 47B,

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The Honorable James M. Rosenbaum, United States District Judge for the District of Minnesota

Supreme Court, U.S.
FILED
NOV 22 2010
OFFICE OF THE CLERK

N0 10-393

In The Supreme Court of the United States

Daniel R. Baird

Petitioner:

V

Burlington Northern Santa Fe Railroad

&

Brotherhood of Engineers And Teamsters

Respondants

Rehearing of the United States District Minnesota for the Eight Circuit Civil No. 09-3787 Judge James M Rosenbuam

&

United States District of Minnesota for the Eight Circuits Civil No. 08-1654

REHEARING ON MERITS PROCESS & DUTIES
Public Law Board case ???? No. ????

Daniel R Baird
P.O. 627
809 3rd Ave N.E.
Dilworth Mn.
56529

Phone 701-261-9519

QUESTION TO BE PRESENTED

Labor Rail Act 152 Items one through ten time limitation by board's duty and company Public Law Board case ???? Award ????? Minnesota Right to Jury Trial

EEOC 42 U.S,C. 200e-5(b).29

Complete Documents of action and Oral arguments

The articles in Labor Rail Act has time lines not to Delay as I have been accused at by the courts. The Case enclosed have been processed on long term and Conclusion is buried no answers from anybody. This has been done as you will see in appendix. If they have the court will be able find public law Board decision case? Award ????.

The Supreme Court Can not find Decision of Public Law Board Case ???? Award ???? Can not Make The Statement I 'M Dalaying and the good Faith or Retrail Was grounds

In A Jury trial twenty Minutes is about all it would take How come it taken this much time in court

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Question---------- (i)
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Statement of Case

The facts in this case have never been on hearsay or even verbal. The documentation in the case has been in writing and all of the dates and time .s are on the papers along with the papers have been signed.

Respect is earned I have done this.

Enclosed in the Appendix is letter and statement a case has gone to Public Law Board and by time limits award would have been filed.

If the courts can find Answer I cannot.

Jurisdiction

There is no other Court who has the right

Conclusion

The right in civil trial by jury is well Known

At the least oral argument before Supreme Court

Appendix of two letters

BLET Division 202

July 20, 2006

Mr. Mark C Bruce
Twin City Division
General Manager
80 44th Ave.
Minneapolis MN. 55421

Dear Mr. Bruce

This Committee is appealing the ten day record suspension of Minnesota Seniority District Locomotive Engineer, Daniel R Baird for alleged violation of the General Code of operating Rule 1.16.Subject to Call.

Mr. Baird has been charged with alleged failure to comply with General code of Operating Rules, Rule 1.16 subject to call; However, when Mr. Baird was asked if he had complied with this rule his response was Yes (Page 27 lines 6 through 13) and in response to a question as to whether he had been absent from his normal place of calling he resounded No (Page 27, Lines 14 through 18) so the charge of violation of this rule is absolutely without merit or substantiation.

Mr. Baird made a request to be relieved at the scene of a pedestrian accident with his train in Brainerd, Minnesota on his previous trip but decided to bring his train into Dilworth when his Conductor decided not to be relieved Mr. Baird rightfully expected to be met at Dilworth by a trauma team or, the very least a Trainmaster who would explain the

Trauma process to him. When he was not met by anyone he tied up and wet to his home to deal with his post traumatic stress by himself.

The inability of Mr. Baird to awaken when called for service on the following trip was through no fault of his own, he was simply in the throes of trauma and his human response was to sleep to rid his body of the trauma he had been exposed to. Mr. Baird was initially unable to relax to gain meaningful quality sleep following the violent trauma he had been exposed to when his train struck a pedestrian. When sleep did finally come to Mr. Baird was given a short call to begin with (One hour and two minutes) and the not given adequate time to call in for his train.

We ask that Mr. Baird be paid for all-time lost as a result of his undeserved investigation itself and that any marks and documentation regarding this incident be removed from Engineer Baird's personal record.

Sincerely

Thomas E Finnegan
Local Chairman BLET Division202

BLET General Committee of Adjustment
Burlington Northern Santa Fe- Montana Rail link
801 Cherry Str. S 1010
Ft. Worth, Tx. 76102
Tel 817-338-9010 fax 817-338-9088

December 18, 2009
File D060822.1 DR Baird

R.D. Walker
Local Chairman
Division 202
3613 5th Str. S
Moorhead, Mn. 56560

D. R. Baird
P.O. 627
Dilworth, Mn. 56529

Dear Sirs and Brothers:

The above referenced case will be heard at a Public Law Board by Referee Robert O'Brien on March 24 & 25 2009 commencing at approximately 9 am in the conference room of the Circa 39 Hotel' 3900 Collins Avenue, Miami Beach 'Florida, 33140. Contact information for the hotel is telephone 305-538-4900, web –www.circa39.com-.

As always it is intended that cases where a claimant is in attendance will be heard first. Those cases will most probably all be heard on March 24 so that Claimants may more easily make their travel arrangements

If the claimant does choose to attend, He/she desires to be responsible for all of his/her own expenses if we do not receive a written reply by the date of the hearing, we will assume that the claimant will not be in attendance.

We intend to send copies of our submissions for review at a later date, as time provides We also ask that Local Chairmen make every effort to contact Claimants, should their mailing addresses not be current

Fraternally, S J Bratka (Vice Chairmen

PLB ???? Case?
Engineer D.R. Baird
BLET File : D060822.1
BNSF File 70-06-1614